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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,315	07/20/2006	Neal Goldberg	US040081	9242
24737	7590	10/14/2009		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER EKPO, NNENNA NGOZI	
			ART UNIT	PAPER NUMBER
			2425	
			MAIL DATE	DELIVERY MODE
			10/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,315	Applicant(s) GOLDBERG, NEAL	
	Examiner NNENNA N. EKPO	Art Unit 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/23/2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to **claims 1-21** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15, 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Baran (U.S. Patent No. 5,421,030).

Regarding **claim 1**, Baran discloses a method for managing a plurality of programs, the method comprising the steps of:

providing a call processor that receives a program request initiated by a user via a key-pad device (see col. 6, lines 43-48),

establishing a communication channel with the key-pad device containing means for initiating a designated function, to generate a command signal indicative of a program desired by the user, said command signal based a current status of a corresponding television unit and an initiated designated function (see col. 6, lines 43-65);

establishing a separate second communication channel with a television unit (see col. 12, lines 62-67); and

transmitting, in response to the command signal to said television unit a control signal to control said television unit to display the program desired by the user (see col. 12, lines 50-67, col. 18, lines 18-45).

Regarding **claim 9**, Baran discloses a system for managing a plurality of programs, comprising:

an input device having a key pad, having means for initiating a designated function for transmitting a program request by a user, via a first communication channel said program request being based an initiated designated function and on a current status of a corresponding receiver system (see col. 6, lines 43-65), and

a controller for generating a command signal indicative of a program selected by the user interactively and transmitting the command signal to said receiver for display, via a second communication channel (see col. 12, lines 50-67, col. 18, lines 18-45).

Regarding **claim 19**, Baran discloses a system for managing a plurality of programs, comprising:

a memory for storing a computer-readable code (see fig. 12 (306 or 308)) and
a processor operatively coupled to said memory (see fig. 12 (304)), said processor configured to:

receive a program request initiated by a user via a key-pad device said key pad having means for initiating a designated function (see col. 6, lines 43-48);

establish a communication channel with the key-pad device to generate a command signal reflective of a program desired by the user interactively, said command signal based on said initiated designated function and a current state of a display device (see col. 6, lines 43-65); and

transmit the command signal, via a second communication channel, to the display unit for displaying the program desired by the user (see col. 12, lines 50-67, col. 18, lines 18-45).

Regarding **claims 2, 13 and 20**, Baran discloses everything claimed as applied above (see *claims 1, 9 and 19*). Baran discloses the method further comprising the step of authenticating the user upon the establishment of the communication channel (see col. 10, lines 40-66).

Regarding **claim 3**, Baran discloses everything claimed as applied above (see *claim 1*). Baran discloses the method wherein the command signal comprises a signal to store a particular program in a storage medium (see col. 13, lines 36-58).

Regarding **claims 4, 17 and 21**, Baran discloses everything claimed as applied above (see *claims 1, 9 and 19*). Baran discloses the method wherein the plurality of programs includes at least one of a television network, Internet network, wireless network (see col. 18, lines 44-54, wireless LANs), and wired network (see col. 18, lines 44-54, hardwired devices), or a combination thereof.

Regarding **claim 5**, Baran discloses everything claimed as applied above (see *claim 1*). Baran discloses the method wherein the communication channel is established by a phone-line connection (see col. 4, lines 51-63, col. 6, lines 43-65, col. 18, lines 18-43).

Regarding **claim 6**, Baran discloses everything claimed as applied above (see *claim 1*). Baran discloses the method wherein the communication channel is established by wireless connection (see col. 18, lines 44-54, wireless LANs).

Regarding **claim 7**, Baran discloses everything claimed as applied above (see *claim 1*). Baran discloses the method wherein the display of the program is provided interactively in response to said user's input (see col. 11, lines 13-25).

Regarding **claims 8 and 18**, Baran discloses everything claimed as applied above (see *claims 1 and 9*). Baran discloses the method wherein the display of the program is provided interactively in response to said user's voice input (see col. 5, lines 62-col. 6, line 22).

Regarding **claim 10**, Baran discloses everything claimed as applied above (see *claim 9*). Baran discloses the system wherein the controller further provides a program list selectable by the user (see col. 11, lines 13-25).

Regarding **claim 11**, Baran discloses everything claimed as applied above (see *claim 9*). Baran discloses the system further comprising a display device for displaying the program selected by the user (see col. 12, lines 51-67).

Regarding **claim 12**, Baran discloses everything claimed as applied above (see *claim 9*). Baran discloses the system wherein the display device is configured to receive incoming television programs (see col. 12, lines 51-67).

Regarding **claim 14**, Baran discloses everything claimed as applied above (see *claim 9*). Baran discloses the system wherein the input device comprises a plurality key buttons to selectively transmit the command signal (see fig. 9a-9c, col. 11, lines 13-25).

Regarding **claim 15**, Baran discloses everything claimed as applied above (see *claim 9*). Baran discloses the system wherein the receiver is a television unit (see fig 10 (39), col. 11, lines 26-42).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baran (U.S. Patent No. 5,421,030) as applied to claim 9 above, and further in view of Peters et al. (U.S. Patent No. 5,812,778).

Regarding **claim 16**, Baran discloses everything claimed as applied above (see *claim 9*). However, Baran is silent on a system further comprising a storage device for storing data representative of a plurality of programs corresponding to incoming television programs.

In an analogous art, Peters et al. discloses the system further comprising a storage device for storing data representative of a plurality of programs corresponding to incoming television programs (see col. 3, lines 9-21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system and method of Baran to include a storage device for storing data representative of a plurality of programs corresponding

to incoming television programs as taught by Peters et al. for the advantage of allowing the user to change their alternative stream/content preference during the course of the broadcast.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NNENNA N. EKPO whose telephone number is (571)270-1663. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna N. Ekpo/

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Patent Examiner

September 23, 2009.

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425

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